REMARKS/ARGUMENTS

Applicant affirms the election to prosecute claims 1-7 without traverse, and, accordingly, has canceled claim 8.

Applicant would request reconsideration of the rejection of the pending claims in light of the preceding amendments and the following discussion.

In response to the objection under 35 U.S.C. § 112, applicant amended claim 1 to indicate that the percentage of the ester is by weight. Applicant has amended claim 7 to indicate that the 1-50% by weight is of the solvent blend in water.

The Office Action indicates that "hydro-treated" is an indefinite term. Enclosed herewith is a copy of a portion from CHEMINFO which explains hydro-treated light petroleum distillates. This CHEMINFO report supports applicant's position that the claim language used in claim 2 is a recognized term of art. As indicated, this product, hydro-treated light petroleum distillate, has a CAS registry number. The hydro treatment actually refers to a purification method in which hydrogen is added to basically strip impurities such as sulfur from the petroleum distillate. This is a well known term of art and should be acceptable for use in the pending claims.

Applicant would further request reconsideration of the rejection of the claims based on 35 U.S.C. § 103 in light of the Klier et al. ("Klier") reference. Applicant maintains that it would be unobvious to modify Klier to arrive at the present invention.

The present invention is a solvent mixture which includes the petroleum distillate, the glycol ether and the ester, and has a vapor pressure less than 0.1 mm

mercury at 20° C. Although the claim does not recite 100% solvent, the minimum amounts of the respective three components indicate that it has to be at least 60% solvent, and it clearly must have the three components.

The Klier reference discloses a microemulsion which includes at least 60% water. The remaining 40% or less is made up of solvent and ionic surfactant. Therefore, the composition disclosed in Klier cannot have the requisite 60% solvent as claimed by applicant.

Because the Klier reference discloses a product intended to be a microemulsion, it would not be logical to modify the teachings of this reference to arrive at applicant's invention. Applicant's invention is a solvent blend which contains no volatile organic compounds. This is not even discussed in the Klier reference. Further, the preferred embodiments in the Klier reference, direct one away from applicant's invention. For example, in column 9, Klier indicates that the amount of solvent in the emulsion is greater than 4% and less than 40%, and preferably less than 15 weight percent. Thus, following the teachings of the Klier reference, one would not include the amount of solvent required by applicant's invention. Further, Klier discloses a concentration of the glycol ether which is less than the 20% required by applicant's invention. Specifically, Klier indicates that glycol ether is present in an amount greater than 5 weight percent, and less than 15%, well below the 20% required in applicant's claimed invention.

Applicant's invention is a three-component system that includes an ester. The criticality of the three components is demonstrated in the third Example in which applicant compared the three-component system of the present invention with two of the three components. The three components together performed much better than solvents including only two of the three components. Further, applicant in Examples 1 and 2 established that the solvent blend of the present invention out performs other solvents with low VOC content, and even out-performed d-limonene which is a higher VOC solvent. Thus, applicant's invention provides significant and unexpected benefits.

As stated in Klier at column 5, lines 31 ff, the preferred embodiment is simply the glycol monoether mixed with one or more organic solvents. Clearly the preference is for the addition of only one organic solvent to the glycol ether.

There simply is nothing in the Klier reference which would suggest the modifications required to arrive at applicant's invention. One would have to exceed the amount of glycol ether required. One would have to employ an ester, which is not a preferred embodiment of the Klier invention. One would have to incorporate a petroleum distillate having a vapor pressure less than 0.1 mm mercury at 20° C wherein the Klier reference discloses several solvents that are not within this range, such as d-limonene.

Considering the fact that the purpose of the invention disclosed in the Klier reference is to obtain a microemulsion, and is not to obtain a no VOC solvent, as

is the purpose of applicant's invention, there is simply no suggestion whatsoever to modify Klier to arrive at applicant's invention. Finally, there is no suggestion in Klier that the three-component system outperforms the two-component system. Accordingly, in light of this, applicant would request reconsideration of the pending rejection, and allowance of the claims.

Respectfully submitted,

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